

Kucinich. 038

**AMENDMENT TO H.R. 2646, AS REPORTED**  
**OFFERED BY MR. KUCINICH OF OHIO**

(Page and line numbers refer to the amendment in the nature of a substitute, COMBES.011)

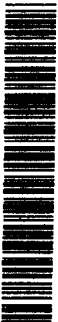
**AMENDMENT NO. \_\_\_\_\_** At the end of title IX (page 354, after line 16), insert the following new section:

1 **SEC. \_\_\_\_ CONTRACT LIMITATIONS REGARDING SALE OF**  
2 **GENETICALLY ENGINEERED SEEDS, PLANTS,**  
3 **AND ANIMALS.**

4 (a) **LIMITATIONS.**—Any provision of any contract for  
5 the sale of a genetically engineered animal, genetically en-  
6 gineered plant, or genetically engineered seed to a pur-  
7 chaser for use in agricultural production is hereby de-  
8 clared against public policy and unenforceable if such  
9 provision—

10 (1) in the case of a sale of genetically engi-  
11 neered plants or genetically engineered seeds, pro-  
12 hibits the purchaser from retaining a portion of the  
13 harvested crop for future crop planting by the pur-  
14 chaser or charges a fee to retain a portion of the  
15 harvested crop for future crop planting;

16 (2) limits the ability of the purchaser to recover  
17 damages from the biotech company for a genetically  
18 engineered animal, genetically engineered plant, or



1 genetically engineered seed that does not perform as  
2 advertised.

3 (3) shifts any liability from the biotech com-  
4 pany to the purchaser;

5 (4) requires the purchaser to grant agents of  
6 the seller access to the purchaser's property;

7 (5) mandates arbitration of any disputes be-  
8 tween the biotech company and the purchaser;

9 (6) mandates any court of jurisdiction for set-  
10 tlement of disputes; or

11 (7) imposes any unfair condition upon the pur-  
12 chaser, as determined by the Secretary of Agri-  
13 culture or a court.

14 (b) DEFINITIONS.—In this section:

15 (1) GENETICALLY ENGINEERED ANIMAL.—The  
16 term “genetically engineered animal” means an ani-  
17 mal that contains a genetically engineered material  
18 or was produced with a genetically engineered mate-  
19 rial. An animal shall be considered to contain a ge-  
20 netically engineered material or to have been pro-  
21 duced with a genetically engineered material if the  
22 animal has been injected or otherwise treated with  
23 a genetically engineered material or is the offspring  
24 of an animal that has been so injected or treated.



1           (2) GENETICALLY ENGINEERED PLANT.—The  
2       term “genetically engineered plant” means a plant  
3       that contains a genetically engineered material or  
4       was produced from a genetically engineered seed. A  
5       plant shall be considered to contain a genetically en-  
6       gineered material if the plant has been injected or  
7       otherwise treated with a genetically engineered mate-  
8       rial (except that the use of manure as a fertilizer for  
9       the plant may not be construed to mean that the  
10      plant is produced with a genetically engineered ma-  
11      terial.

12          (3) GENETICALLY ENGINEERED SEED.—The  
13      term “genetically engineered seed” means a seed  
14      that contains a genetically engineered material or  
15      was produced with a genetically engineered material.  
16      A seed shall be considered to contain a genetically  
17      engineered material or to have been produced with  
18      a genetically engineered material if the seed (or the  
19      plant from which the seed is derived) has been in-  
20      jected or otherwise treated with a genetically engi-  
21      neered material (except that the use of manure as  
22      a fertilizer for the plant may not be construed to  
23      mean that any resulting seeds are produced with a  
24      genetically engineered material.



1 (4) GENETICALLY ENGINEERED MATERIAL.—

2 The term “genetically engineered material” means  
3 material that has been altered at the molecular or  
4 cellular level by means that are not possible under  
5 natural conditions or processes (including recom-  
6 binant DNA and RNA techniques, cell fusion, micro-  
7 encapsulation, macroencapsulation, gene deletion  
8 and doubling, introducing a foreign gene, and chang-  
9 ing the positions of genes), other than a means con-  
10 sisting exclusively of breeding, conjugation, fer-  
11 mentation, hybridization, in vitro fertilization, or tis-  
12 sue culture.

13 (5) BIOTECH COMPANY.—The term “biotech  
14 company” means a person engaged in the business  
15 of creating genetically engineered material and ob-  
16 taining the patent rights to that material for the  
17 purposes of commercial exploitation of that material.  
18 The term does not include the employees of such  
19 person.

